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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/164,429 | 09/30/1998 | WING-KUEN CHUNG | 081862.P112 | 6657 |

7590 , 01/30/2003

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

[REDACTED] EXAMINER

HARPER, KEVIN C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2666 | |

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/164,429 CHUNG ET AL. | |
| Examiner | Art Unit | |
| Kevin C. Harper | 2666 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 November 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 50-99 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 50-61, 72-83 and 92-99 is/are allowed.
- 6) Claim(s) 62-71 and 84-91 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 1999 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on 18 November 2002 is: a) approved b) disapproved by the Examiner
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11</u> . | 6) <input type="checkbox"/> Other: _____ |

Continued Prosecution Application

The request filed on 18 November 2003 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/164,429 is acceptable and a CPA has been established. An action on the CPA follows.

Response to Arguments

Applicant's arguments filed 18 November 2002 have been fully considered but they are not persuasive.

1. Applicant argued that the ring signal in Chang is not in response to a connection established over a packet network. However, a ring signal and timer are both established in response to a connection established over a packet network toward a remote interface (col. 10, lines 1-7 and col. 16, lines 28-30).

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 18 November 2003 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 62-64, 66, 84-86 and 88 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al. (US 6,118,864).

3. Regarding claims 62, 66, 84 and 88, Chang discloses a method comprising generating a ring signal at a remote telephone interface (Figure 1; Figure 5B, steps 136 and 148; col. 16, lines 25-27; col. 15, lines 19-22; note: ring-no-answer call forwarding) and providing a time limit (Figure 5B, step 148; note: ring-no-answer) for a ring signal to be applied (Figure 2B, step 72d; col. 10, lines 1-10) in response to an attempted call using VOIP (Figure 1A).

4. Regarding claims 63 and 85, the ring signal ceases upon expiration of the time limit (Figure 5B, step 150).

5. Regarding claim 64 and 86, a control message is transmitted via the VOPS to inform the source that the attempted call was not successful (col. 16, lines 28-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 65, 67-71, 87 and 89-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. (US 6,118,864).

6. Regarding claims 65 and 87, Chang does not disclose a ring-no-answer timer that lasts around 2-3 minutes. One skilled in the art would recognize that the ring time (or number of rings) used to determine ring-no-answer is preferably set to a specified value due to user preference. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a ring timer for about 2-3 minutes in the invention of Chang in order to allow the user sufficient time to answer the phone base on the user's preferences.

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7. Regarding claims 67-69 and 89-91, Chang does not disclose the various types of networks claimed. One skilled in the art would recognize that various types of networks are used to communicate information depending on desired networking attributes such as delay, speed, availability, cost, etc. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to use various standardized networks in the invention of Chang to make use of existing or available networks which are suitable for communication.

8. Regarding claims 70 and 71, Chang does not disclose that the remote telephone interface resides at a PBX or at a central office. One skilled in the art would recognize that a telephone interface may reside at various points in a network which are coupled to a telephone. Therefore, it would have been obvious to one skilled in the art at the time the invention was to have a telephone interface at a PBX or a central office in the invention of Chang to provide connectivity to the end user.

Allowable Subject Matter

9. Claims 50-61, 72-83 and 92-99 are allowed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guy et al. (US 5,940,479) discloses PBXes connected via a WAN (Figure 1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



27 January 2003



HUY D. VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600